

DOCKET & FILE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

SHARPER THOMAS, III, *pro se*,

Plaintiff,

-against-

DET. DARRELL SHAVER,

Defendant.

----- X
ORDER OF DISMISSAL

07-CV-3048 (KAM) (LB)

MATSUMOTO, United States District Judge:

After plaintiff filed this action pursuant to 42 U.S.C. § 1983 on July 17, 2007 (Doc. No. 1), mail sent to *pro se* plaintiff at the address he provided to the court was returned as undeliverable due to a change in his address (Doc. No. 5, 8). Plaintiff did not contact the court to update his address or take any other action to pursue his case. On November 25, 2008, the Honorable Lois Bloom, United States Magistrate Judge, issued an Order indicating that "the Court shall dismissed this action as abandoned if plaintiff does not contact the Court in writing to provide his address" by December 24, 2008. (Doc. No. 12.) The copy of that order that was mailed to plaintiff was also returned as undeliverable. (Doc. No. 13.) On January 23, 2009, defendant moved to dismiss the case as abandoned pursuant to Fed. R. Civ. P. 37(b)(2) and 41(b). (Doc. No. 15.)

On January 30, 2009, Magistrate Judge Bloom issue a Report and Recommendation that this court dismiss the case due to plaintiff's failure to prosecute. No objections to Magistrate

Judge Bloom's Report and Recommendation have been timely filed.¹

In reviewing a Report and Recommendation, the district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where no objection to the Report and Recommendation has been filed, the district court "need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quotation omitted).

Upon a careful review of the history of this action and Magistrate Bloom's Report and Recommendation, the court finds no clear error in Magistrate Bloom's Report and Recommendation and adopts it as the opinion of the court.

Accordingly, plaintiff's complaint is hereby dismissed and the Clerk shall close this case. The Clerk shall mail a copy of this Order of Dismissal to the plaintiff.

SO ORDERED.

Dated: April 7, 2009
Brooklyn, New York

s/KAM

Kiyo A. Matsumoto
United States District Judge

¹ The copy of the Report and Recommendation mailed to plaintiff was also returned as undeliverable. (Doc. No. 17.)